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Guidance for Law Enforcement Regarding the Medical Use of Marijuana *April 15, 2015*

Chapter 369 of the Acts of 2012, *An Act for the Humanitarian Medical Use of Marijuana*, allows a qualifying patient to possess a 60-day supply of marijuana if the patient has a written certification from a Massachusetts licensed physician. The Massachusetts Department of Public Health (DPH) was charged with issuing regulations to implement a medical use of marijuana program, which includes registration of qualifying patients, caregivers, dispensary agents, and defining a 60-day supply.

In October, 2014, DPH began issuing Program ID Cards to qualifying patients, caregivers, and dispensary agents (*see below for images of sample Program ID Cards by registration type*). These Program ID Cards can be used by law enforcement and Registered Marijuana Dispensaries (“RMD’s”) to confirm that a patient, caregiver, or dispensary agent is eligible to possess marijuana for medical use.

Who can possess marijuana for medical purposes?


- Chapter 369 and the DPH regulations allow a registered patient, and their registered caregiver to possess a 60-day supply of marijuana with the certification of a Massachusetts licensed physician.
- A dispensary agent may possess marijuana on behalf of the RMD that they are employed with. There is no limit to the amount of marijuana a dispensary agent can possess on behalf of an RMD. However, when transporting marijuana outside of an RMD to an approved location, the dispensary agent must have a transportation manifest showing the amount of marijuana to be transported and the location(s) that the dispensary agent is traveling to.
- Approved locations to which a dispensary agent may transport marijuana on behalf of an RMD include:
 - another RMD;
 - a testing laboratory;
 - the primary residence of a registered patient or caregiver; and
 - a destruction/disposal site in compliance with DPH Medical Use of Marijuana Regulations

How do I know someone is a registered patient, caregiver or dispensary agent?

- Registered patients, caregivers, and dispensary agents must carry their Program ID at all times while in possession of marijuana for medical use (*please see below for image of sample Program ID Cards by registration type*).



- A temporary, paper Program ID Card can be printed by the patient, caregiver or dispensary agent at the time of registration for use until their plastic Program ID Card is mailed to them (*see below for image of sample temporary, paper Program ID Card*). This temporary, paper Program ID Card expires 4 weeks from the date the registration is approved by the Program at which time the registrant should have received a plastic Program ID Card.
- If the patient is using a temporary, paper Program ID Card more than 4 weeks from the date of registration, it does not affect their status as an “active registrant,” in CJIS, but the registrant should contact the Program at 617-660-5370 to report that they have not received their plastic Program ID Card.

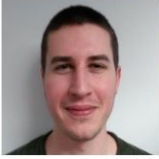


TEMPORARY REGISTRATION CARD

Executive Office of Health and Human Services
Massachusetts Department of Public Health
Medical Use of Marijuana System

**PATIENT
REGISTRATION**

This is your temporary, paper Program ID Card which expires four weeks from the date that your registration is approved by the Medical Use of Marijuana Program. You must carry your Program ID Card all times while you are in possession of marijuana for medical use. If you do not receive your plastic Program ID Card in the mail within three weeks, call the Program at 617-660-5370.



Registration Number: P11000000

Name: MMJ TestPatient

Registration Type: Patient

Expiration Date: 10/30/2014

You must carry your Program ID Card all times while you are in possession of marijuana for medical use.

- Law enforcement officers can verify patient, caregiver, and dispensary agent registrations by accessing the Medical Use of Marijuana Online System (“MMJ Online System”) through their existing accounts with the Massachusetts Criminal Justice Information System (“CJIS”).
- For instructions on accessing the MMJ Online System, see: “Law Enforcement FAQ for MMJ Online System” <http://www.mass.gov/eohhs/docs/dph/quality/medical-marijuana/law-enforcement-faq-mmj-online-system.pdf>

What is a 60-day supply and how will police know if a patient is allowed to possess?

- DPH has defined a 60-day supply of marijuana to be 10 ounces, or the equivalent in other forms (such as edible marijuana-infused products).
- To determine what the equivalent amount of a 60 day supply is for marijuana concentrate (oil) and resin (hash) DPH has determined that marijuana plant material will, on average, yield 15% of its weight in concentrate or resin. Thus, to determine the equivalent weight of a concentrate or resin multiply the weight of the oil/resin by 6.7 to determine the dry weight equivalent.

Amount of Resin-Concentrate	Constant 6.7 (1÷.15)	Equivalent to Marijuana Plant Material
1.8 Ounces	x 6.7	12 Ounces Marijuana Plant Material
1.5 Ounces	x 6.7	10 Ounces Marijuana Plant Material
1.2 Ounces	x 6.7	8 Ounces Marijuana Plant Material
.9 Ounces	x 6.7	6 Ounces Marijuana Plant Material
.6 Ounces	x 6.7	4 Ounces Marijuana Plant Material

Who may grow their own marijuana?

- Chapter 369 also allows qualifying patients to apply for a hardship cultivation registration, which would allow the patient, or the patient's designated personal caregiver, to cultivate marijuana at home for the patient's own use.
- A personal caregiver must:
 - be at least 21 years old;
 - have agreed to assist with a registered qualifying patient's medical use of marijuana; and
 - not be the registered qualifying patient's certifying physician.
- Until DPH begins to process hardship cultivation applications patients **or** their caregivers may conduct limited cultivation at their primary residence, but may only grow a sufficient amount for their sixty day supply as certified by the patient's physician. They must remain in compliance with all DPH regulations regarding Hardship Cultivation. DPH will announce when applications for Hardship Cultivation Registration will be required for home cultivation.
- DPH has not defined a maximum number of plants that may be grown, but there should be no more than what is necessary to meet the patient's individual needs.

Where may patients and caregivers grow marijuana?

- Marijuana may be cultivated and stored only in an enclosed, locked area not visible to the public at the patient's or caregiver's primary residence (not both).

What is a caregiver?

- Personal Caregiver means a person, registered by the Department, who is at least 21 years old, who has agreed to assist with a registered qualifying patient's medical use of marijuana, and is not the registered qualifying patient's certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a qualifying patient may serve as a personal caregiver, including to patients under 18 years of age as a second caregiver.

What are the responsibilities of personal caregivers?

- Transport a registered qualifying patient to and from an RMD;
- Obtain and transport marijuana from an RMD on behalf of a registered qualifying patient;
- Cultivate marijuana on behalf of a registered qualifying patient who has obtained a hardship cultivation registration;
- Prepare marijuana for consumption by a registered qualifying patient; and
- Administer marijuana to a registered qualifying patient.

How many patients may a personal caregiver serve?

- An individual may serve as a personal caregiver for only one registered qualifying patient at one time, except in the case of:
 - an employee of a hospice provider, nursing facility, or medical facility providing care to a qualifying patient admitted to or residing at that facility, or
 - a visiting nurse, home health aide, personal care attendant, or
 - an immediate family member of more than one registered qualifying patient.

What may a patient or caregiver legally in possession of marijuana do with it?

- Marijuana that is acquired or grown for a specific registered patient may be used only by that registered patient for medical purposes.
- Patients and their caregivers are prohibited from selling, bartering, sharing, or otherwise distributing the marijuana to anyone else.

Where may a registered patient with a medical use of marijuana Program ID Card acquire their marijuana right now?

- Chapter 369 allows a registered patient with a Program ID Card to *possess* a 60-day supply of marijuana. The law is silent about where the marijuana may be purchased, although once the RMDs are operational and open for business, patients will be able to purchase marijuana and marijuana infused products from an RMD. In addition, Chapter 369 allows a patient to cultivate a 60-day supply of marijuana until DPH begins awarding (or denying) hardship cultivation registrations.

How can law enforcement access information that is not provided in the MMJ Online System?

- To initiate a request for information on a registered patient, caregiver, dispensary agent, or RMD that is not provided by CJIS, law enforcement officers may telephone the Medical Use of Marijuana Program at (617) 660-5370. When calling, please have the following information prepared:
 - Name of the law enforcement officer;
 - Title of the law enforcement officer;
 - Name of the law enforcement agency at which the law enforcement officer works;
 - Phone number to contact the law enforcement officer;
 - Description of what the law enforcement officer is calling about;
 - The name of the individual the law enforcement officer is inquiring about; and

- The Medical Use of Marijuana Program registration number of the individual the law enforcement officer is inquiring about (if available).
- No information will be provided to the law enforcement officer until DPH has verified that the request is made pursuant to a legitimate law enforcement inquiry and that information requested may be appropriately disclosed.
- IMPORTANT: Please do not send confidential information to DPH over email, such as any individually identifiable information that reveals the identity of the data subject or is readily identified with the data subject, such as name, address, telephone number, social security number, health identification number, or date of birth; or provides a reasonable basis to believe that the information could be used, either alone or in combination with other information, to identify a data subject.

Should you have any questions, please contact the Medical Use of Marijuana Program at 617-660-5370.